

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY, PHARMACIA,
LLC, and SOLUTIA, INC.,

Plaintiffs,

vs.

MAGNETEK, INC.,
GENERAL ELECTRIC CO.,
PARAMOUNT GLOBAL,
KYOCERA AVX COMPONENTS
CORPORATION,
CORNELL-DUBILIER ELECTRONICS, INC.,
and THE GILLETTE COMPANY, LLC,

Defendants.

CASE NO: 4:23-cv-00204-HEA

PARAMOUNT GLOBAL’S INDIVIDUAL MOTION TO DIMISS

Defendant Paramount Global (“Paramount”), by and through its undersigned counsel, respectfully submits this motion to dismiss Plaintiffs Monsanto Company (“New Monsanto”), Pharmacia, LLC (“Old Monsanto”) and Solutia, Inc.’s (collectively with New Monsanto and Old Monsanto, the “Plaintiffs”) First Amended Petition in the above-captioned matter pursuant to Federal Rule of Civil Procedure 12(b)(6).

1. Plaintiffs assert breach of contract (Counts I and II), negligence (Count V), and equitable contribution (Count VII) claims, and seek declaratory judgment (Counts III and IV) against Defendants Paramount, Magnetek, Inc., General Electric Co. (“GE”), Kyocera AVX Components Co. (“KAVX”), Cornell-Dubilier Electronics Inc. (“CDE”), and The Gillette Company LLC (“Gillette”) relating to indemnity agreements for costs and liabilities resulting from the sale of Polychlorinated Biphenyls (“PCBs”) to Defendants.

2. First, based on Plaintiffs' failure to state a cognizable claim of relief, as detailed in the Motion to Dismiss Plaintiffs' First Amended Petition filed jointly by GE, Paramount, KAVX, CDE, and Gillette (the "Joint Motion to Dismiss"), Counts I-IV and VII should be dismissed.

3. Second, Plaintiffs fail to sufficiently plead that any of the underlying lawsuits for which they seek defense and indemnity involve PCBs sold to Paramount's predecessor Westinghouse Electric Corporation ("Westinghouse") on or after January 15, 1972. Due to this, Plaintiffs fail to demonstrate that the underlying lawsuits fall within the scope of the special undertaking agreement between Westinghouse and Old Monsanto. Thus, the First Amended Petition should be dismissed as to Paramount.

4. Paramount has filed a supporting memorandum with this Motion which it incorporates by this reference. Paramount also incorporates by this reference the memorandum filed in support of the Joint Motion to Dismiss.

WHEREFORE, Paramount requests that the Court dismiss all Counts as to Paramount in Plaintiffs' First Amended Petition for the reasons stated in its Motion. Paramount further prays for such other and further relief as the Court deems just and proper.

Dated: May 1, 2023

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Gerard T. Carmody

Gerard T. Carmody, #24769MO

David M. Fedder, #38823MO

Tyler C. Schaeffer, #60847MO

120 South Central Avenue, Suite 1800

St. Louis, Missouri 63105

Telephone (314) 854-8600

Facsimile (314) 854-8660

gtc@carmodymacdonald.com

dmf@carmodymacdonald.com

tcs@carmodymacdonald.com

WEIL, GOTSHAL & MANGES LLP

Yehudah Lev Buchweitz (Pro Hac Vice)

Cameron Mae Bonk (Pro Hac Vice)

767 Fifth Avenue

New York, NY 10153

Telephone (212) 310-8256

Facsimile (212) 310-8007

yehudah.buchweitz@weil.com

cameron.bonk@weil.com

EVERT WEATHERSBY HOUFF

C. Michael Evert, Jr. (Pro Hac Vice)

3455 Peachtree Road NE

Suite 1550

Atlanta, Georgia 30326

Telephone (678) 651-1200

Facsimile (678) 651-1201

cmevert@ewhlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2023, the foregoing was served on all counsel of record via this Court's electronic filing system.

/s/ David M. Fedder